

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

### REMARKS

This amendment is responsive to the Office Action<sup>1</sup> dated April 1, 2005. Claims 1-41 were presented for examination. All claims were rejected. No claims are canceled. Thus, claims 1-41 are pending. The independent claims are 1, 14, 21, 22, 29, 36, 37, 38 and 40.

The specification has been amended to correct for a typographical error. No new matter is added. Support for this amendment is shown at least in Fig. 7, steps 710 and 720, where RAM is random access memory and ROM is read only memory.

Claims 1, 4, 5, 14, 21, 22, 25, 28, 29 and 36-41 are currently amended. No new matter is added.

Claims 1-37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner alleges that "proximate" is a relative term rendering the claims indefinite. Not necessarily acquiescing in that position, Applicant has amended the claims to advance the prosecution of this case by deleting the language "proximate the user interface" from

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<sup>1</sup> The Office Action may contain a number of statements characterizing the cited reference(s) and/or the claims which Applicant(s) may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant(s) does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant(s) deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant(s) that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

all claims that contained such language, thereby overcoming this rejection. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

In the Office Action, the Examiner applies four references against Applicant's claims, namely: Mattaway et al., U.S. Patent Number 6,275,490 (hereinafter "Mattaway"); Curry et al., U.S. Patent Number 6,275,490 (hereinafter "Curry"); Wiener et al., U.S. Patent Number 6,324,264 (hereinafter "Wiener"); and Mueller et al., U.S. Patent Number 6,052,411 (hereinafter "Mueller").

Claims 1-3, 6, 8, 13-14, 16, 21-24, 28-29, 31, 36 and 37 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Mattaway in view of Curry.

Claims 7, 9-10, 15, 17-18, 30, 32-33 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Mattaway in view of Curry as applied to claims 1, 8, 14, 16, 29 and 31 above and further in view of Mueller.

Claims 4, 11, 19, 26, 34, 38 and 40 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Mattaway in view of Curry as applied to claims 1, 14, 22 and 29 above, and further in view of Wiener.

Claims 12, 20, 27 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mattaway in view of Curry, in further view of Wiener as applied to claims 11, 19, 26, and 34 above, and further in view of Mueller.

These rejections are traversed for the following reasons.

As discussed in the Office Action on page 14, the Examiner has determined allowable subject matter which Applicant acknowledges with appreciation. The Office Action indicates

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

that claims 5 and 25 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 second paragraph and to include all limitations of the base claim and any intervening claims. Further, claims 39 and 41, which were objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicant agrees with the Examiner that the subject matter of these claims is not disclosed or suggested by the cited prior art.

The Office Action, page 14, states: "The prior art does not disclose or fairly suggest subsequent to attempting the call, returning a status message to the computer if the calling party does not answer the second telephone, said status message comprising the calling party telephone number, possible reasons for failure of the call, and remedies for the failure." Applicant agrees with that statement. However, Applicant further believes that the prior art of record also does not disclose or fairly suggest: "subsequent to attempting the call, returning a status message to the computer if the calling party does not answer the second telephone, said status message comprising the calling party telephone number [and] possible reasons for failure of the call." In other words, it is Applicant's position that the additional detailed limitation "*remedies for the failure*" of the call need not be included in the status message for the claimed subject matter to not be disclosed or suggested by the prior art of record. Indeed, Wiener or any of the prior art of record does not disclose or suggest a status message comprising the calling party telephone number and possible reasons for failure of the call.

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

Accordingly, rather than re-write allowable dependent claims in independent form, Applicant has amended all of its independent claims to include limitations of allowable claims 5, 25, 39 or 41 as may be appropriate. However, the status message of the currently amended claims excludes "remedies for the failure" of the call. For example claim 1 now recites:

A method of making a telephone call using an electronic document stored in a computer having a user interface, the method comprising: retrieving the electronic document, the electronic document including data representing at least one telephone number; selecting a first telephone number from the electronic document by way of the user interface to obtain a selected telephone number; signaling, from the computer via a packet-switched network coupled to a first line, a telecommunication system to connect a call between a first telephone associated with the first telephone number and a second telephone associated with a calling party telephone number in response to the selection of the first telephone number, the calling party telephone number being stored in the computer, the call being connected via the first line; returning a status message to the computer if the calling party does not answer the second telephone within a specified time period wherein said status message comprises the calling party telephone number and possible reasons for failure of the call; and subsequent to attempting the call, using the stored calling party telephone number to connect all calls from the calling party to any telephone number including the selected telephone number. (Emphasis added.)

The substance of the status message returning step recited in currently amended claim 1 appears in all currently amended independent claims. The additional limitation of the status message including *remedies* for the failure of the call remains in certain dependent claims including claims 4, 5, 25, 28, 39 and 41.

Since the 35 U.S.C. § 112 second paragraph rejection has been overcome, and since all independent claims now include the substance of the above-identified status message returning step where all of their respective dependent claims are likewise limited, it is respectfully submitted that all claims are now in condition for allowance.

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

Notwithstanding the allowability of the claims for reasons given above, Applicant hereby addresses paragraph 28 of the Office Action as a matter of clarification. In that paragraph the Examiner discusses the rejection of claims 4, 38 and 40 and takes the position that "Mattaway in view of Curry [and apparently Wiener] suggests sending a busy signal in a status message to inform the user [calling party] of the status of the called party" (emphasis added).<sup>2</sup> Without acquiescing in this position, Applicant respectfully points out that its status message with regard to its calling party is unrelated to the called party and to whether or not the called party's line is busy.

This is discussed in Applicant's specification, page 12 starting on line 4 in connection with Fig. 8, from which it is clear that the status message noted in block 810 is a result of the calling party not answering, thereby allowing further attempts at ringing the phone number of the calling party in block 800. Only if the calling party answers does the process move to the called party in block 815. The called party number is, therefore, not rung until the process of block 815, after the calling party answers its phone. Whether or not the called party line is busy is not determined until the process moves to block 820, after the calling party had previously answered its phone during the process of block 805. Although previously submitted claims 4, 38 and 40 did not specify that the calling party answers before the phone of the called party is rung, it is respectfully submitted that the specification and Figures are clear on this point.

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<sup>2</sup> Also, in paragraph 28 of the Office Action, it is alleged that "It is implicit that a status message would be sent within a specified time period" and Applicant respectfully disagrees that a specified time period is necessarily implied in Wiener. For example, there may be nothing that prohibits a status message relating to a call request from being sent at a non-specified time period based on the length, number and complexity of the actual events that are determining the status of the call request in Wiener.

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

If one may interpret Applicant's claims in light of Applicant's disclosure including specification and drawings, in view of the above explanation, it is respectfully submitted that the combination of Mattaway, Curry and Wiener which, arguably, may suggest a message of status of a called party, is ineffective to teach or disclose Applicant's message of status of a calling party, regardless of the composition of the prior art status message.

U.S. Patent Application No. 09/694,593  
Attorney's Docket No. 99-317 CIP1 RCE1

**CONCLUSION**

In view of the foregoing amendments and remarks, all pending claims are urged to be allowable over the cited references. Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. If any questions remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

By: \_\_\_\_\_



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